

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

COSMOKEY SOLUTIONS GMBH & CO. KG.,)	
)	
Plaintiff,)	
)	
v.)	No. 18-1477-JLH-CJB
)	
DUO SECURITY, INC. n/k/a DUO SECURITY)	
LLC and CISCO SYSTEMS, INC.,)	
)	
Defendants.)	

MEMORANDUM ORDER

WHEREAS, Magistrate Judge Burke issued an Oral Order on February 7, 2025 (D.I. 413), which denied Plaintiff's request for sanctions (D.I. 232);

WHEREAS, on February 21, 2025, Plaintiff filed Objections to the February 7, 2025 Oral Order (D.I. 425), arguing that (1) the "Oral Order incorrectly treated Defendants' two separate grounds [for sanctions] as if they were a single failure . . ." and (2) the "Oral Order also imposed a burden to show 'bad faith' to issue sanctions when Rule 16(f) does not require this showing";

WHEREAS, the Court has reviewed Judge Burke's Oral Order under a "clearly erroneous or contrary to law" standard, *see* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a);

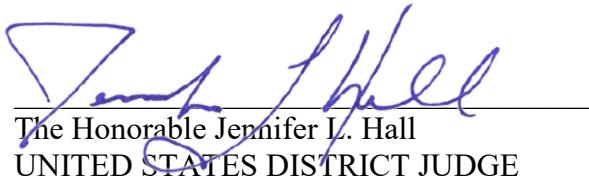
WHEREAS, a magistrate judge's order "is contrary to law only when the magistrate judge has misinterpreted or misapplied the applicable law," *Evans v. John Crane, Inc.*, No. 15-681, 2019 WL 5457101, at *6 (D. Del. Oct. 24, 2019) (internal citation and quotation marks omitted); and

WHEREAS, under the "clearly erroneous" standard, the Court will only set aside findings of a magistrate judge when it is "left with the definite and firm conviction that a mistake has been committed," *Green v. Fornario*, 486 F.3d 100, 104 (3d Cir. 2007) (internal citation and quotation marks omitted);

NOW, THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Objections are OVERRULED, for the following reasons:

1. The Court is unpersuaded that the Oral Order failed to address both of Plaintiff's arguments. It is clear from the Oral Order that the Court considered both grounds raised by Plaintiff and found that only one of them amounted to a violation of a Court order.
2. The Court is unpersuaded that the Oral Order imposed a burden to show bad faith or that it otherwise misapplied the law governing Plaintiff's request for sanctions.
3. Plaintiff has failed to establish that Judge Burke's findings were clearly erroneous or that he misapplied the applicable law, and the Court is unpersuaded that Judge Burke abused his discretion in declining to impose sanctions.

May 15, 2025



The Honorable Jennifer L. Hall
UNITED STATES DISTRICT JUDGE